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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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IRIS SANCHEZ, Individually and
As the Personal Representative of the
Estate of PEKELO SANCHEZ

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

IRIS SANCHEZ, individually, and
as Successors in Interest to
PEKELO SANCHEZ deceased,
individually,

Plaintiffs,

vs.

THE CITY AND COUNTY OF
HONOLULU, a municipal
corporation; OFFICER
JONATHON FRYE; OFFICER
DYLAN SHATTO; OFFICER
MARVIN PARENGIT; OFFICER
BARBARA DELAFORCE and
DOES 1-10, Inclusive,

Defendants.

CIVIL NO.: **CV19 00072 DKW RLP**

COMPLAINT FOR DAMAGES,
DEMAND FOR JURY TRIAL,
SUMMONS

1. Unreasonable Search and Seizure - Detention and Arrest
42 U.S.C. § 1983
2. Excessive Force and Denial of Medical Care - 42 U.S.C. § 1983
3. Substantive Due Process - 42 U.S.C. § 1983
4. Interference with Familial Relationship and Freedom of Association- 42 U.S.C. § 1983
5. Municipal Liability for Unconstitutional Custom or Policy - 42 U.S.C. § 1983
6. False Arrest – Wrongful Death
7. Assault and Battery
8. Negligence

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff IRIS SANCHEZ, as Successor in Interest to PEKELO SANCHEZ,
3 deceased, complains of Defendants CITY AND COUNTY OF HONOLULU, and
4 DOES 1 through 50, inclusive, as follows:
5

6 **JURISDICTION AND VENUE**

7 1. This civil action is brought for the redress of alleged deprivations of
8 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, and 1988, and
9 the First, Fourth and Fourteenth Amendments of the United States Constitution.
10 Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

11 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c), because
12 Defendants reside in, and all incidents, events, and occurrences giving rise to this
13 action occurred in, the City and County of Honolulu, Hawaii.
14

15 **PARTIES**

16 3. At all relevant times herein, PEKELO SANCHEZ (hereinafter referred to as
17 “DECEDENT” or PEKELO) was an individual residing in the City and County of
18 Honolulu, Hawaii.

19 4. At all relevant times herein, IRIS SANCHEZ was an individual residing in
20 the City and County of Honolulu, Hawaii, and is the natural mother to the
21 DECEDENT.

22 5. Defendant CITY AND COUNTY OF HONOLULU (hereinafter referred to
23 as “CITY”) is, and at all times in this Complaint was, an incorporated public entity
24 duly authorized and existing as such in and under the laws of the State of Hawaii;
25 and at all times herein mentioned, Defendant CITY possessed the power and
26 authority to adopt policies and prescribe rules, regulations and practices affecting
27 the operation of the HONOLULU POLICE DEPARTMENT (hereinafter referred
28 to as “HPD”) including its tactics, methods, practices, customs, and usages.

6. At all relevant times herein, OFFICER JONATHAN FRYE (“OFFICER FRYE”) was an officer of the HPD and is directly responsible for DECEDENT’S damages. OFFICER FRYE is sued in his individual and official capacity on all claims.

7. At all relevant times herein, OFFICER DYLAN SHATTO (“OFFICER SHATTO”) was an officer of the HPD and is directly responsible for DECEDENT’S damages. OFFICER SHATTO is sued in his individual and official capacity on all claims.

8. At all relevant times herein, OFFICER MARVIN PARENGIT (“OFFICER PARENGIT”) was an officer of the HPD and is directly responsible for DECEDENT’S damages. OFFICER PARENGIT is sued in his individual and official capacity on all claims.

9. At all relevant times herein, OFFICER BARBARA DELAFORCE (“OFFICER DELAFORCE”) was an officer of the HPD and is directly responsible for DECEDENT’S damages. OFFICER DELAFORCE is sued in his individual and official capacity on all claims.

10. At all relevant times mentioned herein and material hereto, the Defendant DOE Officers described below engaged in law enforcement as police officers, sergeants, captains, lieutenants, and/or civilian employees, agents and representatives of Defendant CITY, duly employed as police officers by the HPD, who acted in the course and scope of their employment at all times relevant to the acts and omissions herein alleged.

11. PLAINTIFF is informed and believes and thereon alleges that each of the Defendants designated as a DOE are intentionally and negligently responsible in some manner for the events and happenings herein referred to, and thereby proximately caused injuries and damages as herein alleged. The true names and capacities of DOES 1 through 10, inclusive, and each of them, are not now known to PLAINTIFF who, therefore, sues said Defendants by such fictitious names.

1 PLAINTIFF will seek leave to amend this Complaint to show their true names and
2 capacities when same have been ascertained.

3 12. Defendants, and each of them, acted under color of law and did the acts and
4 omissions hereinafter alleged in bad faith and with knowledge that their conduct
5 violated established and commonly understood substantive and procedural law.
6

7 **FACTS COMMON TO ALL CAUSES OF ACTION**

8 13. PLAINTIFF incorporates by reference each and every allegation and fact
9 contained in the preceding paragraphs of this complaint as though fully set forth
10 herein.

11 14. On the morning of Saturday, February 11, 2017, PEKELO was shot and
12 killed in a vehicle in a parking lot in Aiea, within the City and County of Honolulu.

13 15. Prior to the shooting, both PEKELO and CHAYLA BELFORD (hereinafter
14 "BELFORD") were sleeping in a 2002 Blue Dodge Ram (hereinafter "Subject
15 Truck") that was parked in a parking stall.

16 16. Upon information and belief, OFFICER FRYE, OFFICER SHATTO,
17 OFFICER PARENGIT and OFFICER DELAFORCE (hereinafter "DEFENDANT
18 OFFICERS") were called to the scene because the Subject Truck was parked in the
19 wrong stall and the owner of the stall wanted the Subject Truck to move but did
20 not want to wake its occupants.

21 17. Upon arrival to the scene, DEFENDANT OFFICERS, individually and as
22 peace officers, while acting in the course and scope of their employment with
23 CITY, negligently assessed the circumstances presented to them and violently
24 confronted DECEDENT.

25 18. Without identifying themselves as officers with HPD or explaining their
26 demands to PEKELO and BELFORD, DEFENDANT OFFICERS began banging
27 on the windows of the Subject Truck and demanding that they get out.
28

1 19. Awoken and startled by the sudden commotion and uncertain as to what was
2 happening, PEKELO and BELFORD discussed rolling down the windows to hear
3 the DEFENDANT OFFICERS.

4 20. As soon as PEKELO reached for the keys, DEFENDANT OFFICERS shot
5 him.

6 21. Prior to being shot, PEKELO posed no reasonable or credible threat of
7 deadly force to DEFENDANT OFFICERS, nor to any other individual. In fact,
8 just moments before he was shot and killed, PEKELO and BELFORD were asleep.

9 22. After being shot, PEKELO was able to start the Subject Truck. At said
10 point, DEFENDANT OFFICERS shot him a second time.

11 23. On information and belief, PEKELO was critically injured by numerous
12 gunshots prior to the Subject Vehicle being in motion, and the injuries he sustained
13 by those gunshots caused his body to involuntarily move and operate the vehicle.

14 24. On information and belief, DEFENDANT OFFICERS, individually and as
15 peace officers, had no information that DECEDENT had committed any crime
16 other than sleeping in a stolen vehicle.

17
18 **FIRST CAUSE OF ACTION**

19 **Unreasonable Search and Seizure - Detention and Arrest 42 U.S.C. § 1983**

20
21 25. PLAINTIFF incorporates by reference each and every allegation and fact
22 contained in the preceding paragraphs of this complaint as though fully set forth
23 herein.

24 26. Defendants, individually and as peace officers; caused DECEDENT to be
25 detained and arrested in violation of his right to be secure in her person against
26 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
27 Amendment to the United States Constitution and applied to state actors by the
28 Fourteenth Amendment.

1 27. As a result of the conduct of Defendants, individually and as peace officers;
2 they are liable for DECEDENT's injuries, either because they were integral
3 participants in the wrongful detention and arrest, or because they failed to
4 intervene to prevent violations.

5 28. The DECEDENT was detained without reasonable suspicion and arrested
6 without probable cause.

7 29. The conduct of Defendants, individually and as peace officers was willful,
8 wanton, malicious, and done with reckless disregard for the rights and safety of
9 DECEDENT and therefore warrants the imposition of exemplary and punitive
10 damages as to Defendants.

11 30. Plaintiff seeks damages as successors-in-interest to DECEDENT and
12 representative of the DECEDENT's estate.

13 31. Plaintiff also seeks attorney fees under this claim pursuant to 42 U.S.C. §
14 1988.

15
16 **SECOND CAUSE OF ACTION**

17 **Excessive Force and Denial of Medical Care 42 U.S.C. § 1983**
18

19 32. PLAINTIFF incorporates by reference each and every allegation and fact
20 contained in the preceding paragraphs of this complaint as though fully set forth
21 herein.

22 33. Defendants, individually and as peace officers, unjustified shooting deprived
23 DECEDENT of his right to be secure in his person against unreasonable searches
24 and seizures as guaranteed to DECEDENT under the Fourth Amendment of the
25 United States Constitution and applied to state actors by the Fourteenth
26 Amendment of the United States Constitution.

27 34. The unreasonable use of force by Defendants, individually and as peace
28 officers, deprived the DECEDENT of his right to be secure in his person against

1 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
2 Amendment of the United States Constitution and applied to state actors by the
3 Fourteenth Amendment.

4 35. As a result, DECEDENT suffered extreme pain and suffering and eventually
5 suffered a loss of life and of earning capacity for which THE ESTATE OF
6 PEKELO SANCHEZ is entitled to recover damages. Plaintiffs have also been
7 deprived of their life-long love, companionship, comfort, support, society, care,
8 and sustenance of DECEDENT, and will continue to be so deprived for the
9 remainder of their natural lives. Plaintiffs are also claiming funeral and burial
10 expenses, loss of gifts and benefits and loss of financial support.

11 36. As a result of the conduct of Defendants, individually and as peace officers,
12 they are liable for DECEDENT's injuries, either because they were integral
13 participants in the excessive force, or because they failed to intervene to prevent
14 these violations.

15 37. Defendants, individually and as peace officers, knew or should have known
16 that failure to provide timely medical treatment to DECEDENT could result in
17 further significant injury or the unnecessary and wanton infliction of pain, but
18 disregarded that serious medical need, causing him great bodily harm and death.

19 38. This use of deadly force was excessive and unreasonable under the
20 circumstances, especially since DECEDENT had done nothing violent before,
21 during and after he was shot to death. Defendants' actions, individually and as
22 peace officers, thus deprived DECEDENT of his right to be free from unreasonable
23 searches and seizures under the Fourth Amendment and applied to state actors by
24 the Fourteenth Amendment.

25 39. The conduct of Defendants, individually and as peace officers, was willful,
26 wanton, malicious, and done with reckless disregard for the rights and safety of
27 DECEDENT and therefore warrants the imposition of exemplary and punitive
28 damages as to Defendants.

1 40. Plaintiff seeks punitive damages.

2 41. Plaintiff also seeks attorney fees under this claim pursuant to 42 U.S.C. §
3 1988.

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5 **THIRD CAUSE OF ACTION**

6 **Substantive Due Process - 42 U.S.C. § 1983**
7

8 42. PLAINTIFF incorporates by reference each and every allegation and fact
9 contained in the preceding paragraphs of this complaint as though fully set forth
10 herein.

11 43. Plaintiffs have a cognizable interest under the Due Process Clause of the
12 Fourteenth Amendment of the United States Constitution to be free from state
13 actions that deprive them from life, liberty, or property in such a manner as to
14 shock the conscious, including but not limited to, unwarranted state interference in
15 Plaintiffs' familial relationship with DECEDENT.

16 44. DECEDENT had a cognizable interest under the Due Process Clause of the
17 Fourteenth Amendment of the United States Constitution to be free from state
18 actions that deprive them from life, liberty, or property in such a manner as to
19 shock the conscience.

20 45. As a result of the shooting by Defendant Garcia, individually and as a peace
21 officer, DECEDENT died. Plaintiffs were thereby deprived of their constitutional
22 right of familial relationship with DECEDENT.

23 46. Defendants, individually and as peace officers, acting under the color of
24 state law, thus violated the Fourteenth Amendment of Plaintiffs to be free from
25 unwarranted interference with their familial relationship with DECEDENT.

26 47. The aforementioned actions of Defendants, individually and as peace
27 officers, along with other undiscovered conduct, shock the conscience, in that they
28 acted with deliberate indifference to the constitutional rights of DECEDENT,

1 Plaintiffs and with purpose to harm unrelated to any legitimate law enforcement
2 objective.

3 48. As a direct and proximate cause of the acts of the Defendants, individually
4 and as peace officers, DECEDENT experienced severe pain and suffering and lost
5 his life and earning capacity for which THE ESTATE OF PEKELO SANCHEZ is
6 entitled to recover damages. Plaintiffs have also been deprived of their life-long
7 love, companionship, comfort, support, society, care and sustenance of
8 DECEDENT, and will continue to be so deprived for the remainder of their natural
9 lives. Plaintiffs are also claiming funeral and burial expenses, loss of gifts and
10 benefits and a loss of financial support.

11 49. The conduct of Defendants, individually and as peace officers, was willful,
12 wanton, malicious, and done with reckless disregard for the rights and safety of
13 DECEDENT and therefore warrants the imposition of exemplary and punitive
14 damages as to Defendants.

15 50. Plaintiff seeks punitive damages.

16 51. Plaintiff also seeks attorney fees under this claim pursuant to 42 U.S.C. §
17 1988.

18
19 **FOURTH CAUSE OF ACTION**

20 **Interference with Familial Relationship and Freedom of Association –**

21 **42 U.S.C. § 1983**
22

23 52. PLAINTIFF incorporates by reference each and every allegation and fact
24 contained in the preceding paragraphs of this complaint as though fully set forth
25 herein.

26 53. Plaintiff DECEDENT had a cognizable interest under the Due Process
27 Clause of the Fourteenth Amendment of the United States Constitution to be free
28 from state actions that deprive him of life, liberty, or property in such a manner as

1 to shock the conscience, including but not limited to, unwarranted state
2 interference in a familial relationship with his mother.

3 54. As a result of the excessive force by Defendants, individually and as peace
4 officers; and the failure of Defendants to intervene, DECEDENT died. Plaintiff
5 was thereby deprived of her constitutional right and familial relationship with
6 DECEDENT.

7 55. Defendants, individually and as peace officers, acting under color of state
8 law, thus violated the Fourteenth and Amendment rights of Plaintiffs to be free
9 from unwarranted interference with their familial relationship with DECEDENT.

10 56. The aforementioned actions of Defendants, individually and as peace
11 officers, along with other undiscovered conduct, shocked the conscience, in that
12 they acted with deliberate indifference to the constitutional rights of DECEDENT,
13 Plaintiffs and with purpose to harm unrelated to any legitimate law enforcement
14 objective.

15 57. As a direct and proximate cause of the acts of Defendants, individually and
16 as peace officers, Plaintiff has also been deprived of the life-long comfort, support,
17 society, care and sustenance of DECEDENT, and will continue to be so deprived
18 for the remainder of her natural life. Plaintiff is also claiming funeral and burial
19 expenses, loss of gifts and benefits and a loss of financial support.

20 58. The conduct of Defendants, individually and as peace officers, was
21 malicious, oppressive and in reckless disregard for the rights and safety of
22 DECEDENT and Plaintiff, and therefore warrants the imposition of exemplary and
23 punitive damages as to Defendants.

24 59. Plaintiff seeks wrongful death damages under this claim.
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26 **FIFTH CAUSE OF ACTION**

27 **Municipal Liability for Unconstitutional Custom or Policy - 42 U.S.C. § 1983**
28

1 60. PLAINTIFF incorporates by reference each and every allegation and fact
2 contained in the preceding paragraphs of this complaint as though fully set forth
3 herein.

4 61. On information and belief, Defendants' conduct, individually and as peace
5 officers, who shot DECEDENT to death, was ratified by CITY's police department
6 supervisorial officers.

7 62. On information and belief, Defendant Officers were not disciplined for
8 killing DECEDENT.

9 63. On and for some time prior to February 11, 2017, (and continuing to the
10 present day) Defendants, individually and as peace officers, deprived Plaintiff and
11 DECEDENT of the rights and liberties secured to them by the Fourteenth
12 Amendment to the United States Constitution, in that said Defendants and their
13 supervising and managerial employees, agents, and representatives, acting with
14 gross negligence and with reckless and deliberate indifference to the rights and
15 liberties of the public in general, and of Plaintiff and DECEDENT, and of persons
16 in their class, situation and comparable position in particular, knowingly
17 maintained, enforced and applied an official recognized custom, policy, and
18 practice of:

19 a. Employing and retaining as police officers and other personnel,
20 including Defendants, individually and as peace officers, who at all times
21 material herein knew or reasonably should have known had dangerous
22 propensities for abusing their authority and for mistreating citizens by failing
23 to follow written CITY Police Department policies, including the use of
24 excessive and deadly force;

25 b. Of inadequately supervising, training, controlling, assigning, and
26 disciplining CITY Police officers, and other personnel, including Defendants
27 who CITY knew or in the exercise of reasonable care should have known
28

1 had the aforementioned propensities and character traits, including the
2 propensity for violence and the use of excessive force;

3 **c.** By maintaining grossly inadequate procedures for reporting,
4 supervising, investigating, reviewing, disciplining and controlling the
5 intentional misconduct by Defendants who are Police Officers of CITY;

6 **d.** By failing to discipline CITY Police Officers' conduct, including but
7 not limited to, unlawful detention and excessive or deadly force;

8 **e.** By ratifying the intentional misconduct of Defendants and other
9 officers who are Police Officers of CITY;

10 **f.** By having and maintaining an unconstitutional policy, custom and
11 practice of detaining and arresting individuals without probable cause or
12 reasonable suspicion, and using excessive force, including deadly force,
13 which also is demonstrated by inadequate training regarding these subjects,
14 utilizing policies, customs and practices that have a deliberate indifference to
15 individuals' safety and rights; and

16 **g.** By failing to properly investigate claims of unlawful detention and
17 excessive force by CITY Police Officers.

18 64. By reason of the aforementioned policies and practices of Defendants,
19 individually and as peace officers, DECEDENT was severely injured and subjected
20 to pain and suffering and lost his life and earning capacity for which THE
21 ESTATE OF PEKELO SANCHEZ is entitled to recover damages.

22 65. Defendants, individually and as peace officers, together with various other
23 officials, whether named or unnamed, had either actual or constructive knowledge
24 of the deficient policies, practices and customs alleged in the paragraphs above.
25 Despite having knowledge as stated above these defendants condoned, tolerated
26 and through actions and inactions thereby ratified such policies. Said defendants
27 also acted with deliberate indifference to the foreseeable effects and consequences
28

1 of these policies with respect to the constitutional rights of DECEDENT, Plaintiffs,
2 and other individuals similarly situated.

3 66. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct
4 and other wrongful acts, Defendants, individually and as peace officers; acted with
5 an intentional, reckless, and callous disregard for the life of DECEDENT, and
6 DECEDENT's and Plaintiffs' constitutional rights. Each of their actions were
7 willful, wanton, oppressive, malicious, fraudulent, and extremely offensive and
8 unconscionable to any person of normal sensibilities.

9 67. Furthermore, the policies practices, and customs implemented and
10 maintained and still tolerated by Defendants, individually and as peace officers,
11 were affirmatively linked to and were a significantly influential force behind the
12 injuries of DECEDENT and Plaintiff.

13 68. By reason of the aforementioned acts and omissions of Defendants,
14 individually and as peace officers, Plaintiff was caused to incur funeral and related
15 burial expenses, loss of gifts and benefits and loss of financial support.

16 69. By reason of the aforementioned acts and omissions of Defendants,
17 individually and as peace officers, Plaintiff has suffered loss of love,
18 companionship, affection, comfort, care, society, and future support.

19 70. Accordingly, Defendants, individually and as peace officers, each are liable
20 to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

21 71. Plaintiff seeks wrongful death damages under this claim.

22 72. Plaintiff also seeks attorney fees under this claim.

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SIXTH CAUSE OF ACTION

False Arrest – Wrongful Death

73. PLAINTIFF incorporates by reference each and every allegation and fact contained in the preceding paragraphs of this complaint as though fully set forth herein.

74. Defendants, individually and as peace officers, while working as Police Officers for CITY, and acting within the scope of their duties, intentionally deprived DECEDENT of his freedom of movement by use of force, including deadly force, threats of force, menace, fraud, deceit and unreasonable duress.

Defendants, individually and as peace officers, also detained DECEDENT. Said detention was made without reasonable suspicion. There was an attempt to arrest DECEDENT. Said arrest was attempted without probable cause.

75. DECEDENT did not knowingly or voluntarily consent to be deprived of his freedom.

76. The conduct of Defendants, individually and as peace officers, and was a substantial factor in causing harm to DECEDENT.

77. CITY is vicariously liable for the wrongful acts of Defendants, individually and as peace officers, which provides that a public entity is liable for injuries causes by its employees within the scope of the employment if the employee's act would subject him or her to liability.

78. The conduct of Defendants, individually and as peace officers; was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of DECEDENT, entitling Plaintiff to an award of exemplary and punitive damages.

79. Plaintiff was dependent on the DECEDENT, including financially dependent.

80. Plaintiff is seeking wrongful death damages under this claim.

SEVENTH CAUSE OF ACTION

Assault and Battery

81. PLAINTIFF incorporates by reference each and every allegation and fact contained in the preceding paragraphs of this complaint as though fully set forth herein.

82. Defendant Officers, individually and as a peace officer, while working as Police Officers for the CITY Police Department, and acting within the course and scope of his duties, intentionally shot DECEDENT to death. As a result of the actions by the Defendant Officers, DECEDENT suffered severe pain and suffering and ultimately died from his injuries and lost earning capacity for which the Plaintiff is entitled to recover damages. Defendant Officers had no legal justification for using deadly force against DECEDENT, and said defendants' force was unreasonable.

83. As a direct and proximate result of defendants' conduct as alleged above, Plaintiff has suffered extreme and severe mental anguish and pain and was injured in mind and body. Plaintiffs also are claiming funeral and burial expenses, loss of gifts and benefits and loss of financial support.

84. CITY is vicariously liable for the wrongful acts of Defendants, individually and as peace officers, which provides that a public entity is liable for injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

85. The conduct of Defendants, individually and as peace officers, was malicious, wanton, oppressive, and accomplished with a conscious disregard for the rights of DECEDENT, entitling Plaintiff to an award of exemplary and punitive damages.

86. Plaintiff is seeking wrongful death damages under this claim.

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EIGHTH CAUSE OF ACTION

Negligence

87. PLAINTIFF incorporates by reference each and every allegation and fact contained in the preceding paragraphs of this complaint as though fully set forth herein.

88. The actions and inactions of the Defendants, individually and as peace officers, were negligent and reckless, including but not limited to:

a. The failure to properly assess the need to detain, arrest, and use force or deadly force against DECEDENT;

b. The negligent tactics and handling of the situation with DECEDENT, including dealing with an individual suffering from a mental breakdown;

c. The negligent detention, arrest, and use of force, including deadly force, against DECEDENT;

d. The failure to provide prompt medical care to DECEDENT;

e. The failure to properly train and supervise employees, both professional and non-professional, including Defendants.

f. The failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT;

g. The negligent handling of evidence and witnesses.

89. As a direct and proximate result of Defendants' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer severe pain and suffering and ultimately died and lost earning capacity for which Plaintiffs are entitled to recover damages. Also as a direct and proximate result of Defendants' conduct alleged above, Plaintiff suffered extreme and severe mental anguish and pain and have been injured in mind and body. Plaintiff has also been deprived of the life-long love, companionship, comfort, support, society, care and sustenance of DECEDENT, and will continue to be so deprived for the remainder

1 of her natural life. Plaintiff is also claiming funeral and burial expenses, loss of
2 gifts and benefits and loss of financial support.

3 90. CITY is vicariously liable for the wrongful acts of Defendants, individually
4 and as peace officers, which provides that a public entity is liable for injuries
5 caused by its employees within the scope of the employment if the employee's act
6 would subject him or her to liability.

7 91. Plaintiff is seeking wrongful death damages under this claim.

8
9 **WHEREFORE**, Plaintiff prays for Judgment in her favor and against
10 Defendants, jointly and severally, as follows:

11
12 **PRAYER FOR RELIEF**

13
14 1. For compensatory damages, including both survival damages and wrongful
15 death damages under federal and state law, in an amount to be proven at trial;

16 2. For funeral expenses and loss of financial support;

17 3. For punitive damages against the individual defendants in an amount to be
18 proven at trial;

19 4. For prejudgment interest;

20 5. For an award of general and special damages in the amount to be proven at
21 trial;

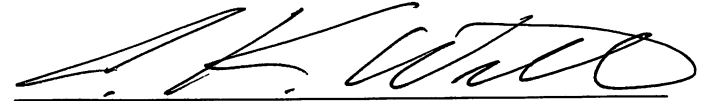
22 6. For reasonable costs of this suit incurred herein;

23 7. For reasonable attorney's fees and costs as provided by law;

24 8. For such further other relief as the Court may deem just, proper and
25 appropriate.

1 DATED: Honolulu, Hawaii, February 11, 2019

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5 By:



6 AARON K. WILLS

7 ERNESTO M. GANADEN

8 PETER LAURENCE CARR IV

9 Attorneys for Plaintiff

10 IRIS SANCHEZ, Individually and as

11 Personal Representative of the Estate of

12 PEKELO SANCHEZ
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